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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,462	09/08/2003	Henry E. Juskiewicz	N9579	9798
23456	7590	10/02/2006	EXAMINER	
WADDEY & PATTERSON, P.C. 1600 DIVISION STREET, SUITE 500 NASHVILLE, TN 37203			DONELS, JEFFREY	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,462

Applicant(s)

JUSKIEWICZ ET AL.

Examiner

Jeffrey Donels

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/11/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,7-9,13,14,19-22,24-26,29,30,33,34,38-44,46-48 and 50-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13,14,19-22,24-26,29,30,33,34,38-44,46-48 and 50-61 is/are allowed.
- 6) ☒ Claim(s) 2,3 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060607</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 2,3,7-9 were indicated as allowable in the prior Office Action. New grounds of rejection follow based on newly discovered prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakuda (USP 5744744) in view of Wolstein (USP 5136919).

Wakuda discloses an electric stringed instrument having automated accompaniment system (Figs. 1,2) which comprises all features claimed but does not explicitly disclose the monophonic/humbucker guitar pickup or multiple guitar pickups including a monophonic and multi-signal guitar pickup. Wolstein discloses that:

"The use of plural, single or humbucking magnetic pickups on electric guitars has been well-known for a considerable time, and it is also a known practice to combine the pluralities of pickups in various ways to achieve certain sound differences and tonal variations. Gagon et al.U.S. Pat.No. 4,545,278 discloses a prior teaching wherein guitar pickup signals are selectively varied in accordance with a manual switch to change the output sound by emphasizing the characteristic sounds of the particular pickups. U.S. Pat. No. 2,784,631 in the name of Fender provides a quite early teaching directed to pickup combination switching to control output guitar sound. There are a number of other teachings which attempt various forms of tone control or variation of the sound character through a manually controllable switch whereby the guitar player has the capability of changing the type and presentation of guitar sounds through several variations. The present invention is an improved type of sound

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switching circuitry that gives more clear and concise reproduction of selected sound styles with greater ease of selection and clarity of sound.” (Col. 1 lines 14-35).

Wolstein discloses pickup 10 and humbucker pickup 12 which is monophonic. It would have been obvious to one of ordinary skill in the art to adapt the Wolstein teachings with Wakuda so as to achieve the sound differences and tonal variations discussed.

Claims 2,3,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama (USP 5024134) in view of Wolstein (USP 5136919).

Uchiyama discloses a pitch control device for an electronic stringed instrument (Figs. 5,6) which comprises all features claimed, but the particular guitar pickups. Wolstein is applied here in a similar manner as above.

Claims 2,3,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celi et al (USP 6787690) in view of Wolstein (USP 5136919).

Celi et al discloses a stringed instrument with embedded DSP modeling (Figs. 1 and 2) which comprises all features claimed, but the particular guitar pickups. Wolstein is applied here in a similar manner as above.

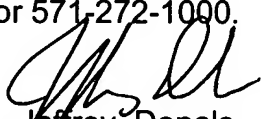
Claims 13,14,19-22,24-26,29,30,33,34,38-44,46-48,50-61 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chapman and Okulov et al are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeffrey Donels
Primary Examiner
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